

MCRC-6568-2015

(RAM SIYA KOL Vs THE STATE OF MADHYA PRADESH)

30-04-2015

Shri S. P. Mishra, counsel for the applicant.

Shri Akhilendra Singh, G.A for the respondent/State.

Heard learned counsel for both the parties.

The applicant is in custody since 14.2.2015 in connection with Crime No.9/15 registered at Police Station Bahari, District Sidhi for offences punishable under Sections 363, 366, 376 of I.P.C and Section 3 and 4 of Protection of Children Against Sexual Offences Act, 2012.

Learned counsel for the applicant submits that the applicant is a youth of 22 years of age, who has no criminal past alleged against him. By the educational record, age of the prosecutrix was shown to be approximately 18 years of age at the time of incident. According to the allegations, she remained with the applicant for seven days without any resistance. No external or internal injury was found on her person. Doctor found that her hymen was ruptured but age of such rupture was not given by the doctor. However, the medical report does not corroborate about the violence committed by the applicant. No alleged offence is made out against the applicant. He is in custody without any substantial reason. Under such circumstance, he prays for bail.

Learned G.A. opposes the application.

Considering the submissions made by learned counsel for the parties, looking to the facts and circumstances of the case including the gravity of offence, without expressing any view on the merits of the case, I am of the view that application under

Section 439 of Cr.P.C. filed by the applicant **Ram Siya Kol** may be accepted. Consequently it is hereby allowed.

It is directed that present applicant be released on bail on his furnishing a bond in sum of **Rs.35,000/- (Rupees thirty five thousand)** with one surety bond of the same amount to the satisfaction of the **CJM, Sidhi** to appear before the committal Court and trial Court on the dates given by the concerned Court.

This order shall be effective till the end of trial but in case of bail jump, it shall become ineffective.

Certified copy as per rules.

(N.K. GUPTA)
JUDGE